

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

This Document Relates to:

1:14-cv-12905-RWZ: Epperly v. Insight Health Corp., *et al.*  
1:14-cv-12908-RWZ: McFarlane v. Insight Health Corp., *et al.*  
1:14-cv-12910-RWZ: Smith v. Insight Health Corp., *et al.*  
1:14-cv-12916-RWZ: Kalinoski v. Insight Health Corp., *et al.*  
1:14-cv-12917-RWZ: Filson v. Insight Health Corp., *et al.*  
1:14-cv-12919-RWZ: Bradley v. Insight Health Corp., *et al.*  
1:14-cv-12924-RWZ: Foutz v. Insight Health Corp., *et al.*  
1:14-cv-12927-RWZ: Whitlow v. Insight Health Corp., *et al.*  
1:14-cv-12928-RWZ: Harris v. Insight Health Corp., *et al.*  
1:14-cv-12929-RWZ: Smith v. Insight Health Corp., *et al.*  
1:14-cv-12930-RWZ: Holbrook v. Insight Health Corp., *et al.*  
1:14-cv-12931-RWZ: Courtney v. Insight Health Corp., *et al.*  
1:14-cv-12938-RWZ: Brown v. Insight Health Corp., *et al.*  
1:14-cv-12939-RWZ: Shuck v. Insight Health Corp., *et al.*  
1:14-cv-12940-RWZ: White v. Insight Health Corp., *et al.*  
1:14-cv-12941-RWZ: Brown v. Insight Health Corp., *et al.*  
1:14-cv-12942-RWZ: Artis v. Insight Health Corp., *et al.*  
1:14-cv-12978-RWZ: Bender v. Insight Health Corp., *et al.*

MDL No. 1:13-md-2419-RWZ

**DEFENDANT INSIGHT HEALTH CORP.'S MOTION TO STRIKE  
EIGHTEEN STATE COURT ORDERS AS VOID AB INITIO**

**ORAL ARGUMENT REQUESTED**

Defendant Insight Health Corp. ("Insight"), by and through its undersigned counsel, respectfully moves this Court for entry of an order striking eighteen (18) orders ("State Court Orders") which were entered by the Circuit Court for the City of Roanoke, Va. ("Roanoke Court") on June 27, 2014, in eighteen cases involving plaintiffs who are represented by the law firm of Gentry, Locke, Rakes & Moore LLC and expunging those State Court Orders from the record. Insight seeks this relief because the Roanoke Court entered the eighteen orders more

than three weeks after the cases had been removed from the Roanoke Court in contravention of 28 U.S.C. § 1446(d)'s admonition to "proceed no further" upon removal and in violation the automatic bankruptcy stay established by 11 U.S.C. § 362. Consequently, the eighteen State Court Orders are void *ab initio* and nullities with no legal effect.

A proposed form of order is attached hereto.

The grounds for this this motion are more fully stated in Defendant Insight Health Corp.'s Memorandum in Support of Its Motion to Strike Eighteen State Court Orders, also filed this day.

WHEREFORE Insight respectfully moves this Court to enter an order providing the following relief:

1. Declaring each of the eighteen State Court Orders to be void *ab initio*, a nullity, and having no legal effect; and
2. Striking the eighteen State Court Orders and expunging them from the record.

#### **REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Insight respectfully requests a hearing on this motion at the Court's earliest convenience.

#### **CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)**

Pursuant to Local Rule 7.1(a)(2), Insight hereby certifies that its counsel met and conferred with opposing counsel in good faith to resolve and narrow the issues before filing this motion.

Dated: July 21, 2014  
Richmond, Virginia

**CERTIFICATE OF SERVICE**

I, Samuel T. Towell, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on July 22, 2014.

Dated: July 21, 2014

/s/ Samuel T. Towell  
Samuel T. Towell

Respectfully submitted,

/s/ Samuel T. Towell  
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